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October 26, 2011

By ECF

Honorable Nicholas G. Garaufis  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Honorable James Orenstein  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re:** In re: Application of Debbie Gushlak for an Order Pursuant to 28  
U.S.C. § 1782, 11-mc-218 (NGG) (JO)

Dear Judge Garaufis and Magistrate Judge Orenstein:

This letter is written to address an aspect of Ms. Reich's request yesterday for an opportunity to file a sur-reply as to the motion filed by Myron Gushlak and Yelena Furman on October 4, 2011. As this letter was about to be sent, we received electronically Magistrate Judge Orenstein's Order denying Ms. Reich's request to file a sur-reply. Nonetheless, there still appears to be an ambiguity that we wish to clarify.

In the letter, Ms. Reich indicates that she anticipates that the contemplated sur-reply "would address only that part of the motion that this Court has not referred to Magistrate Judge Orenstein for a Report and Recommendation (*see* Dkt. #76)[.]" We do not understand that any part of the recent motions has not been referred to Magistrate Judge Orenstein as per the Judge Garaufis' Order of October 21, 2011 Order (#76). It is our understanding that Magistrate Judge Orenstein is to issue a report and recommendation in response to all of the relief requested in our motions dated October 4,

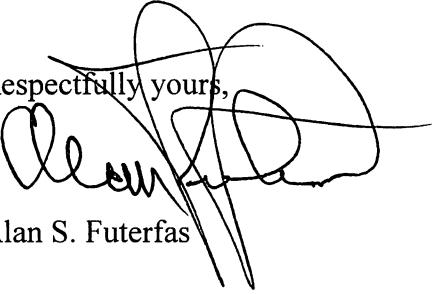
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2011 motion (and our reply filed on October 24, 2011), and that Judge Garaufis will consider any objections to “Judge Orenstein’s findings as to jurisdiction if and when he issues a recommendation as to Petitioner Debbie Gushlak’s motion to hold Respondents in contempt.” Thus, as we understand the Court’s order, there is no “part of the motion” filed on October 4, 2011 that Judge Garaufis has not referred to Magistrate Judge Orenstein. If we are mistaken in this regard, we respectfully request clarification.

Thank you for your consideration of this matter.

Respectfully yours,

  
Alan S. Futerfas

cc: All Counsel